

**NORTHERN IRELAND ASSEMBLY
COMMITTEE FOR COMMUNITIES**

**CALL FOR EVIDENCE AND VIEWS ON THE LICENSING AND
REGISTRATION OF CLUBS (AMENDMENT) BILL**

Please note that in most cases your written submissions will be published on our website and may be quoted in the Committee's report or in Committee meetings (which are public and broadcast).

If you would like to request that what you tell us is published without your name, please contact the Clerk at the following email address:
Committee.Communities@niassembly.gov.uk or by calling 028 9052 1939.

We will consider all requests for information to be treated anonymously.

Please provide comment on any or all parts of the template. If you do not agree with a particular clause, please consider suggesting how it should be amended to meet its objective.

Please indicate if you are providing a submission:

- as an individual
- on behalf of an organisation or business

SUBMISSION FROM: FoodNI Ltd

If you are responding on behalf of an organisation or business, please tell us briefly how it relates to the subject matter of the Bill:

FoodNI, represents 450 food and drink producers across Northern Ireland. We are a company limited by guarantee founded by the industry for the industry. Our aim is to enhance the reputation of food and drink from Northern Ireland. We were the key drivers behind Year of Food and Drink 2016, winning World's Best Food Destination at the international travel and tourism awards in November 2018. Since formation in 2008 we have seen a transformation of the drinks industry in Northern Ireland and we now represent over 40 high quality alcohol producers whose growth is being hindered by current legislation. Going forward we want to build Northern Ireland's reputation as a compelling destination to visit because of our quality food and drink and as an exporter of premium produce. We aim to build upon the success of Year of Food and Drink 2016 by having a sustainable year of food and drink in 2022 (or as soon after as the ongoing pandemic allows).

1. The Policy Objectives of the Bill

The policy objectives of the Bill are *“to introduce a balanced package of measures to update the law in respect of the retail sale of alcoholic drinks and to make it more responsive to the current social and economic environment”*.

1. What are your views on the overall policy objectives? Do you think that the Bill will meet those objectives? If not, why not?

FoodNI believes that the current provisions represent positive progress but to meet the policy objectives further provision is required.

The Bill needs to go further to respond to the changing social and economic environment to meet both current and future demand from local consumers and tourists.

While we in FoodNI are aware of Northern Ireland's reputation as a world class food and drink region gaining international awards, most consumers and tourists are not, nor are they given the opportunity to discover this.

- Northern Ireland's reputation for excellence in locally produced food and drink would be enhanced if the Bill was extended to allow for consumption at site. This would help to build Northern Ireland as a destination for high-quality ciders, beer and spirits.
- Research shows that food and drink are one of the top five factors for tourists in selecting a region to visit. Since the pandemic the significance of short supply chains has increased as sustainability has been further highlighted.
- Localisation has come to the fore as part of the new normal with the World Economic Forum advice for consumers post-COVID-19 to support “local food systems with shorter, fairer and cleaner supply chains that address local priorities”.
- The proposed Bill limits on-site consumption for the holder of a producer's licence to a sample following a premises tour. Having to pay for and go on a premises tour is prohibitive and insufficient to allow consumers to access the range of locally produced drinks which are unavailable due to the control of large, global producers. The range of local alcohol produced here is unobtainable in the majority of pubs in Northern Ireland despite the fact that we have a world class cluster of cideries, breweries and distillers.

Preparing for the future:

- Post pandemic we believe there will be a growth in demand for high quality local drinks with the focus on sustainability, taste and enjoyment.

- Northern Ireland needs to be able to compete on a level playing field with other tourism destinations including our neighbours in GB and RoI.
- FoodNI are aware of the social concerns of alcohol misuse but the cost per unit of local artisanal ciders, beers and spirits is many times that of the average price per unit of alcohol as these products are targeted at the premium, niche and tourism markets.
- FoodNI supports the introduction of a licence that permits local producers to sell directly to consumers and tourists, without the necessity of having a tour, in the way that producers in competing tourism destinations currently do.

2. Easter Opening Hours and Additional Permitted Opening Hours

What are your views on the provisions in the Bill on:

(2a) The removal of restrictions at Easter [Clauses [1](#) & [23](#)]?

While our experience relates mainly to producers, Food NI believes that reforming Easter licensing hours is important to bring benefits to the tourism sector.

(2b) Additional permitted hours for certain licensed premises [[Clause 2](#)]?

- N/A

(2c) PSNI authorisation for additional permitted hours for smaller pubs [[Clause 4](#)]?

- N/A

3. “Drinking-up Time” and the Alignment of Alcohol and Entertainment Licences

The Bill contains provisions to extend the current “drinking up” time in licensed premises and private members’ clubs from 30 minutes to 1 hour [[Clauses 5](#) & [24](#)].

The Department for Communities states that the aim is to discourage customers from drinking too quickly and to allow a more gradual departure from premises at closing time, especially from large venues.

(3a) What are your views on the extension of “drinking-up” time?

- N/A

(3b) What impact do you think it would have on alcohol consumption towards closing time and during ‘drinking up’ time?

- N/A

(3c) What impact do you think it would have on issues such as anti-social behaviour and crowd dispersal?

- N/A

(3d) Do you have any comments on the proposals to align closing time for liquor and entertainment licences [[Clause 3](#)]?

- N/A

4. Supporting Tourism, Special Events and Small Producers

(4a) Do you think that the provisions contained within the Bill will have a positive impact on hospitality and/or tourism and in Northern Ireland? If so, how?

The current laws are a very real barrier to the expansion of the food and drink industry in Northern Ireland, which are crucial to growing the local economy and the tourism industry, particularly post pandemic. The provisions in this Bill will not have a significant impact on the ability of drinks producers to expand the tourism and hospitality offer unless the Bill is amended further.

- Restricting consumption to sampling after a tour is insufficient to make a tangible difference to producers in growing their businesses or tourists in accessing them.
- There is a clear demand from discerning consumers and tourists to be able to sample and buy high-quality, high price-point alcoholic drinks that have been produced locally at the point of manufacture. These products command a premium because of their unique taste, sustainability credentials and story.
- Experiential tourism is a current trend as people wish to experience local culture for themselves, hearing from the producer, participating in tasting. An emerging future trend is for sustainable and experiential tourism which is why reform is so vital.
- Brand building is an essential part of producer’s growth strategy and allowing this to happen on site in a responsible way is vital for the growth of the drinks industry here.

- NI's local drinks producers are restrained by anti-competitive licensing laws which disadvantage them on an all-island basis and compared to their competitors in the GB and ROI market.
- National and local food and drink events are now a key part of our local tourism and economic strategy with Year of Food and Drink 2016 proving a resounding success for food producers. Local alcohol producers are unable to sell due to licensing restrictions and use of a middle man is cost prohibitive. This means loss of sales to consumers and tourists. It also prevents international buyers from meeting local alcohol producers at key events such as Balmoral Food Pavilion, adding to the problems they face in trying to expand their businesses.
- The restrictions around selling alcohol at events also prevent international exhibition companies from bringing exhibitions here such as the Country Living Fair and the return of the BBC Good Food Show.
- We believe that the Bill should be less restrictive in stipulating which events local producers can sell at; and the bureaucratic process of having to apply for permission from the Department and PSNI streamlined.
- We believe the primary purpose of events where special licenses are available must be to promote local food and drink and our tourism industry.

(4b) What are your views on the proposals relating to permitted hours for special events [Clauses 6 & 25]?

- The power to extend permitted hours at designated events would give tourist and consumers more options.
- Alcohol producers and consumers have told us that the existing licensing regime has not been flexible enough to ensure that local businesses can sell their produce at events.
- Examples include: Balmoral Food Pavilion (annually), the BBC Good Food Show in 2016 / 2017; the 2011 MTV music awards; the 148th Royal Open at Portrush in July 2019; and Hillsborough Castle and Gardens Food Festival.
- FoodNI wholeheartedly supports moves to allow the sale of alcoholic drinks for consumption off the premises at a "special event" – as long as this would allow local alcohol producers in Northern Ireland to be able to sell high quality local produce.
- This would increase the availability of local beers, ciders and spirits to local consumers and visitors, and help local businesses to build their reputation and expand.

(4c) What are your views on the provisions of the Bill that are aimed at supporting small local producers of beer, cider and spirits [Clause 8]? What impact do you envisage this could have on tourism? Do you feel that the regulatory framework, as outlined in the Bill, is sufficiently robust?

Whilst creating a new category of licence for local producers is welcome, in order to properly benefit tourism, jobs, the economy and consumer choice the Bill needs to go further.

- NI's small, independent breweries and cider producers also need the ability to sell their own products on their own premises.
- Consumers are increasingly seeking different experiences and quality and small independent breweries that hold events and sell beer directly to the public are well placed to respond to these trends. Limiting interaction with tourists to a tour and a sample is too restrictive.
- The current anti-competitive nature of NI's beer and pubs sectors means that small and local brewers and cider makers cannot sell their products in the vast majority of local pubs. This is because most pubs are locked into contracts with global brewers that restrict them from selling locally brewed beers. This prevents new businesses selling their products as permanent or guest beers. Small and independent brewers and cider makers are therefore at a huge disadvantage compared to their competitors in other parts of these islands. As a result, small businesses need other routes to market and the ability to sell their products directly from shops or taprooms on their premises - where it is safe and suitable to do so. This is why a small change to this Bill is vital to allowing other routes to market for locally produced beer and ciders and to increase consumer choice.

5. Children and Young People (under the age of 18)

The Bill contains a number of provisions directly relevant to children and young people. The Committee is keen to hear your views on the provisions of the Bill relating to children and young people and the proposed additional safeguarding measures, where relevant.

What are your views on:

(5a) The removal of the requirement of a licensed premises or registered club to hold a children's certificate [Clauses 10 & 26]?

N/A

(5b) Permitting certain premises to hold underage functions; the conditions that must be met; the permitted opening hours; and, proposed enforcement action [Clauses 11 & 27]?

N/A

(5c) Permitting the attendance of young people to remain on licensed premises to attend a private function (e.g. a wedding reception) and the proposed conditions that must be met [[Clauses 12 & 28](#)]?

N/A

(5d) The strengthening of the current law around the delivery of alcohol [[Clauses 9](#)] and the delivery of alcohol to young people [[Clause 13](#)]?

N/A

(5e) The prohibition on self-service and sale of alcohol by vending machines [[Clauses 15 & 30](#)]?

N/A

(5f) Permitting children and young people to be present in a sporting club to 11:00pm during the summer months (1 June to 31 August) [[Clause 29](#)]?

N/A

(5g) Permitting children and young people to attend an awards ceremony in a sporting club one night per calendar year (until 11pm) [[Clause 29](#)]?

N/A

(5h) Overall, do you feel the measures are adequate to protect children and young people from alcohol related harm? If not, why not?

N/A

[6. Alcohol Consumption and Alcohol-Related Harm](#)

The Bill proposes to address certain aspects of alcohol consumption and related harm, for example:

- Introducing a number of restrictions on off-sales drinks promotions in supermarkets [[Clause 16](#)];
- Regulating the delivery of alcoholic drinks to young people [[Clause 13](#)];
- Prohibiting the awarding or redemption of loyalty or bonus points for the purchase of alcohol in licensed premises [[Clause 17](#)]; and
- Prohibiting the sale of alcohol by way of self-service or vending machine (with certain exceptions) [[Clauses 15 & 30](#)].

(6a) What impact do you think these measures will have on reducing alcohol consumption and preventing alcohol-related harm?

N/A

(6b) Do you have any other comments in relation to any other aspect of the Bill in relation to alcohol consumption and alcohol-related harm?

N/A

7. Regulation, Enforcement, Offences and Penalties

(7a) The Bill proposes to allow statutory approval for voluntary industry-led codes of practice in relation to the sale and supply of alcohol in licensed premises and registered clubs [Clauses 19 & 32]. Do you feel these are an effective means of helping to regulate the industry? If not, what alternatives would you suggest?

N/A

(7b) The Bill contains provisions to permit a court, when determining an application for an occasional licence, to impose terms and conditions on the licence with consequences for non-compliance [Clause 18]. What are your views on this?

Festivals and events:

- Occasional licences have an important role to play in allowing events like Belfast Beer Festival to be held. We have concerns that if courts imposed strict conditions under the existing occasional licensing regime then this would prevent important events and festivals from taking place.
- We would like the Committee to investigate the possibility of amending the legislation in order to create a system whereby an organisation can apply for an occasional licence in order to hold a festival or event that is of merit in terms of tourism and promoting local food and drink, without the need for an existing premises licence holder to use an occasional licence for this purpose.
- In addition, if changes or restrictions on the use of occasional licences are imposed but the Bill isn't amended to allow holders of a producers licence to sell their own produce on their premises then local breweries and cider producers would find themselves worse off as producers currently use occasional licences in order to hold occasional taproom events.

(7c) What are your views on the measures in the Bill that would require a body corporate (licensee) to notify the courts and police of any change of directorship (within 28 days) [[Clause 20](#)]?

N/A

(7d) Throughout the Bill there are a number of new offences and/or penalties under The Licensing (NI) Order 1996, The Registration of Clubs (NI) Order 1996 and The Betting, Gaming, Lotteries and Amusements (NI) Order 1985. The Committee would welcome any comments you have in relation to these.

N/A

8. Resource Implications for Certain Organisations/Bodies

8. What do you think the resource implications will be for:

(a) The PSNI:

N/A

(b) Health and social services:

N/A

(c) Other organisations (please specify):

N/A

9. Registered Clubs

9. Do you have any additional comments on the provisions in the Bill which specifically relate to registered clubs [[Clauses 22 to 32](#)]?

N/A

10. Additional Information

(10a) Are there any other measures *not included* in the Bill that you think should be included and why?

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- Reform to the system is essential to ensure fair competition between small local businesses and big international businesses.
- The current system where the vast majority of pubs are tied into buying beer from large international brewer's serious limits the ability of local brewers and cider makers to sell their products in most local pubs.
- Updates to the licensing legislation are vital to allowing other routes to market for locally produced beer and ciders and to increase consumer choice.
- If we are to recover our tourism industry, we need to be able to exploit our strengths and build a positive reputation without disappointing visitors.

(10b) Do you have any other comments you would like to make?

No, thank you for the opportunity to comment.

Thank you

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